

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER M. PACKER,

Movant,

-vs-

UNITED STATES OF AMERICA,

Respondent.

No. 2:04-CR-0263-WFN-1
2:15-CV-0249-WFN

ORDER ON § 2255 MOTION
AND CLOSING CIVIL FILE

Before the Court is Movant's 28 U.S.C. § 2255 Motion to Vacate, Set Aside or Correct Sentence. ECF No. 99. The Motion is submitted by Mr. Packer, who is appearing *pro se* in these proceedings. Mr. Packer previously filed a § 2255 Motion which the Court denied on July 30, 2015. ECF No. 98. Upon receipt of Mr. Packer's second § 2255 Motion, the Clerk's Office sent an Application to File Second or Successive Petition to Mr. Packer. Until the Ninth Circuit approves Mr. Packer's Application, this Court cannot consider the new § 2255 Motion. The Court has reviewed the file and is fully informed. Accordingly,

IT IS ORDERED that Mr. Packer's Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, filed September 15, 2015, **2:04-CR-0263-WFN-1 ECF No. 99**, is **DENIED AS MOOT**, with the right to renew subject to Ninth Circuit approval.

The District Court Executive is directed to file this Order, provide copies to counsel **AND** *pro se* Movant, **AND TO CLOSE** the corresponding civil file, 2:15-CV-0249-WFN.

DATED this 17th day of December, 2015.

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN

SENIOR UNITED STATES DISTRICT JUDGE

12-16-15

ORDER